

DISPOSITION: February 8, 1950. The D'Angelo Celery House, Kansas City, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging of the fit portion, under the supervision of the Food and Drug Administration. Segregation operations resulted in the salvage of 117 crates of celery.

16182. Adulteration and misbranding of canned corn. U. S. v. 8 Cases * * *.
(F. D. C. No. 28434. Sample No. 72085-K.)

LIBEL FILED: On or about December 15, 1949, Southern District of Indiana.

ALLEGED SHIPMENT: Between the approximate dates of February 10 and May 6, 1949, by Tom Corwin Canning Co., Inc., from Lebanon, Ohio.

PRODUCT: 8 cases, each containing 6 6-pound, 10-ounce cans, of corn at Indianapolis, Ind.

LABEL, IN PART: "Red Rose Cream Style Golden Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the standard of identity for canned cream style corn since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: March 31, 1950. Default decree of forfeiture and destruction.

16183. Misbranding of canned mushrooms. U. S. v. 271 Cases * * *.
(F. D. C. No. 28851. Sample No. 33468-K.)

LIBEL FILED: February 10, 1950; amended libel filed March 17, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about November 5 and 18 and December 20 and 23, 1949, by Concord Foods, Inc., Concordville, Pa.

PRODUCT: 271 cases, each containing 24 4-ounce cans, of mushrooms at San Francisco, Calif.

LABEL, IN PART: "Royal Treat Fancy Button Mushrooms."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Fancy" and the vignette depicting a dish of uniform bright colored mushrooms were false and misleading as applied to a product which contained discolored mushrooms.

DISPOSITION: May 18, 1950. Concord Foods, Inc., claimant, having consented to the entry of a decree, the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

16184. Adulteration of pickles, relish, and prepared mustard. U. S. v. Gibson Food Co., Ezra D. Gibson, and Henry C. Gibson. Pleas of guilty. Each defendant fined \$100, plus costs. (F. D. C. No. 28218. Sample Nos. 61528-K, 61529-K, 61531-K, 61532-K.)

INFORMATION FILED: February 8, 1950, Western District of Missouri, against the Gibson Food Co., a corporation, Springfield, Mo., and Ezra D. Gibson, president, and Henry C. Gibson, vice president.

ALLEGED SHIPMENT: On or about September 7 and October 11 and 18, 1949, from the State of Missouri into the State of Arkansas.

LABEL, IN PART: "Gibson's Sweet Relish [or "Sweet Pickles" or "Pure Mustard"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the relish and pickles consisted in part of filthy substances by reason of the presence of (in the relish) flies and insect fragments and (in the pickles) flies, rodent hairs, insect fragments, and worm-eaten pickles.

Further adulteration, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 19, 1950. Pleas of guilty having been entered, the court fined each defendant \$100, plus costs.

TOMATOES AND TOMATO PRODUCTS

16185. Adulteration of canned tomatoes. U. S. v. 119 Cases * * *. (F. D. C. No. 29059. Sample No. 72431-K.)

LIBEL FILED: April 13, 1950, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about October 10, 1949, by the Dupont Canning Co., from Dupont, Ind.

PRODUCT: 119 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Manchester, Ky.

LABEL, IN PART: (Can) "Pride of Indiana * * * Dupont Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 5, 1950. Default decree of condemnation and destruction.

16186. Adulteration of canned tomatoes. U. S. v. 163 Cases * * *. (F. D. C. No. 27693. Sample No. 11545-K.)

LIBEL FILED: August 2, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about October 29, 1947, from a foreign country:

PRODUCT: 163 cases, each containing 24 2-pound, 4-ounce cans, of tomatoes at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product was decomposed.) The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 10, 1950. Default decree of condemnation and destruction.

16187. Adulteration of tomato puree. U. S. v. Blue River Packing Co. Plea of guilty. Fine, \$25. (F. D. C. No. 29150. Sample Nos. 41959-K, 52945-K.)

INFORMATION FILED: May 8, 1950, Southern District of Indiana, against the Blue River Packing Co., a corporation, Morristown, Ind.

ALLEGED SHIPMENT: On or about September 2 and October 10, 1949, from the State of Indiana into the States of Wisconsin and Ohio.

LABEL, IN PART: "Roundy's White Label Tomato Puree Distributed By Roundy, Peckham & Dexter Co. Milwaukee, Wis." and "Blue River * * * Fancy Tomato Puree."